

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 13, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 316, SB 318, SB 327, SB 368,
2/6/2009
Executive Action: SB 250-Do Pass As Amended, SB 368-
Do Pass_____

HEARING ON SB 368

Opening Statement by Sponsor:

00:03:01 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 368, Good Samaritan law for retired doctors.

Proponents' Testimony:

00:05:25 Ellie Hill for Jose Aurez, Poverello Center, Missoula

00:09:07 Dick Brown, President, Montana Hospital Association (MHA)

00:10:39 Mary Frideres, Montana Primary Care Association

00:12:40 Al Smith, Montana Trial Lawyers Association

00:13:35 Mary McCue, Executive Director, Montana Dental Association

Opponents' Testimony:

none

Informational Testimony:

none

Questions from Committee Members and Responses:

00:15:04 Sen. McGee

00:15:19 Ms. Hill

00:15:52 Sen. Hinkle

00:17:47 Sen. Erickson

00:18:36 Sen. Laslovich

00:19:17 Mr. Brown

00:19:54 Mr. Smith

00:20:27 Sen. McGee

00:21:01 Mr. Smith

Closing by Sponsor:

00:21:23 Sen. Erickson

HEARING ON SB 318

Opening Statement by Sponsor:

00:22:24 Sen. Christine Kaufmann (D), SD 41, opened the hearing
on SB 318, Code of corporate responsibility.

EXHIBIT(jus34a01)

Proponents' Testimony:

00:28:12 Ross Keogh, self, Absarokee
00:29:31 Al Smith, Montana Trial Lawyers Association
00:32:01 Jim Jensen, Montana Environmental Information Center
(MEIC)

EXHIBIT(jus34a02)

00:35:08 Cedron Jones, Montanans for Corporate Accountability

Opponents' Testimony:

00:43:36 Shirley Warehime, Montana Society of Certified Public
Accountants
00:46:58 Webb Brown, Montana Chamber of Commerce

Informational Testimony:

none

Questions from Committee Members and Responses:

00:52:05 Sen. Shockley
00:52:54 Mr. Jensen
00:54:10 Sen. Moss
00:55:14 Mr. Smith
00:56:10 Sen. Laslovich
00:56:29 Mr. Brown
00:58:52 Sen. McGee
00:59:24 Sen. Kaufmann
01:10:38 Sen. McGee
01:11:03 Mr. Smith
01:12:20 Sen. McGee
01:12:50 Sen. Kaufmann
01:14:43 Sen. Murphy
01:15:16 Sen. Kaufmann
01:16:34 Sen. Moss
01:17:16 Sen. Kaufmann

Closing by Sponsor:

01:18:14 Sen. Kaufmann

01:21:21 break

HEARING ON SB 327

Opening Statement by Sponsor:

01:35:58 Sen. Aubyn Curtiss (R), SD 1, opened the hearing on SB 327, Protection for mothers to be.

Proponents' Testimony:

01:36:49 Rep. Penny Morgan HD 57

01:38:11 Gregg Trude, Executive Director, Right to Life of Montana

[EXHIBIT\(jus34a03\)](#)

[EXHIBIT\(jus34a04\)](#)

[EXHIBIT\(jus34a05\)](#)

01:43:12 Jeff Laszloffy, President, Montana Family Foundation

01:45:28 Roland Horst, Montana ProLife Coalition

[EXHIBIT\(jus34a06\)](#)

01:48:05 Dallas Erickson, Montana Citizens for Decency Through Law

[EXHIBIT\(jus34a07\)](#)

01:52:15 Gail Asbury, self

01:55:17 Harris Himes, Pastor, Big Sky Christian Center

Opponents' Testimony:

01:58:58 Niki Zupanic, ACLU

02:02:21 Angia Wagenhals, NARAL, Pro-Choice Montana Foundation

02:03:50 Stacey Anderson, Director, Public Affairs, Planned Parenthood of Montana

02:06:21 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

[EXHIBIT\(jus34a08\)](#)

[EXHIBIT\(jus34a09\)](#)

Informational Testimony:

none

Questions from Committee Members and Responses:

02:11:51 Sen. Laslovich
02:12:10 Sen. Curtiss
02:15:16 Sen. Laslovich
02:15:23 Mr. Trude
02:17:21 Sen. Hinkle
02:18:37 Ms. Young
02:20:20 Sen. Shockley
02:20:54 Mr. Trude
02:21:35 Sen. McGee
02:21:47 Mr. Trude
02:22:49 Sen. Shockley
02:25:04 Sen. Moss
02:25:50 Ms. Anderson
02:26:12 Sen. Moss
02:26:38 Sen. Curtiss
02:27:10 Sen. Perry
02:28:15 Ms. Anderson
02:30:21 Sen. McGee
02:30:47 Ms. Anderson
02:36:37 Sen. Hinkle
02:37:14 Ms. Anderson

Closing by Sponsor:

02:38:00 Sen. Curtiss

02:39:13 break

(Sen. Esp, Sen. Juneau absent from room.)

COMMITTEE BILL-RAISING MONETARY AMOUNT FOR FELONY THEFT

02:46:11 Sen. Perry
02:47:03 Sen. Shockley
(No action taken.)

EXECUTIVE ACTION ON SB 250

02:47:34 **Motion/Vote:** Sen. Laslovich moved to **REMOVE FROM THE TABLE SB 250**. Motion carried 11-1 by roll call vote with Sen. Curtiss voting no. Sen. Esp and Sen. Juneau voted by proxy.

(Sen. Esp returned to room.)

02:49:00 **Motion:** Sen. Laslovich moved that **SB 250 DO PASS**.

Discussion:

02:49:24 Sen. McGee

02:50:09 **Motion:** Sen. Moss moved that **SB 250 BE AMENDED**.
EXHIBIT(jus34a10)

Discussion:

02:50:56 Sen. Shockley

02:51:25 **Vote:** Motion that **SB 250 BE AMENDED** carried unanimously by voice vote. Sen. Juneau voted by proxy.

02:51:44 **Motion:** Sen. Laslovich moved that **SB 250 DO PASS AS AMENDED**.

Discussion:

02:51:52 Sen. Shockley

02:52:19 Sen. Perry

02:52:52 Sen. Laslovich

02:53:49 Sen. McGee

02:54:14 Sen. Laslovich

02:54:27 Sen. Shockley

02:54:59 Valencia Lane, Legislative Services Division

02:55:22 Sen. Larsen

02:55:51 **Vote:** Motion that **SB 250 DO PASS AS AMENDED** carried 11-1 by voice vote with Sen. Esp voting no. Sen. Juneau voted by proxy.

COMMITTEE BILL-"BUBBLE BILL" FOR PROTESTERS

02:56:26 Sen. Shockley
02:57:43 Sen. McGee
02:58:01 Sen. Perry
02:58:27 Sen. Shockley
02:58:38 Sen. Perry
(No action taken.)

EXECUTIVE ACTION ON SB 368

02:59:02 Sen. Perry

02:59:20 **Motion/Vote:** Sen. Shockley moved that **SB 368 DO PASS.**
Motion carried unanimously by voice vote. Sen. Juneau
voted by proxy.

SUB-COMMITTEE REPORT ON SB 221

02:59:45 Sen. Esp
(No action taken.)

EXECUTIVE ACTION ON SB 316

Sen. Essmann requested no hearing on SB 316
EXHIBIT(jus34a11)

ADJOURNMENT

Adjournment: 12:01 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus34aad.pdf](#))